

CONGRESSIONAL.

Thirty-Fifth Congress—First Session.

WEDNESDAY, DECEMBER 16, 1857.

SENATE.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tem. laid before the Senate a communication from the Treasurer of the United States, containing a statement of the accounts of the United States for the third and fourth quarters of 1856; and the first and second quarters of 1857; which was ordered to lie on the table.

RESOLUTIONS ADOPTED.

On motion by Mr. ALLEN, a resolution was adopted that the Senate will, on Monday, at 1 o'clock, proceed to the election of a public printer.

On motion by Mr. WYDE, a resolution was adopted requesting the President of the United States to communicate to the Senate all the correspondence between the various departments and the present governor of Kansas, together with all such orders and instructions as have been issued to the said governor in relation to the affairs of that Territory; also, the constitution and schedule to which reference is made in the President's annual message.

THE STANDING COMMITTEES.

Mr. ALLEN submitted a resolution that the members of the standing committees of the Senate be arranged as follows:

Committee on Foreign Relations—Mr. Mason, chairman; Messrs. Douglas, Sill, Polk, Crittenden, Seward, and Foot.

On Military Affairs—Mr. Davis, chairman; Messrs. Fitzpatrick, Johnson of Arkansas, Iverson, Broderick, Wilson, and King.

On Finance—Mr. Hunter, chairman; Messrs. Pearce, Gwin, Bright, Biggs, Fessenden, and Cameron.

On Naval Affairs—Mr. Mallory, chairman; Messrs. Thompson of New Jersey, Sill, Allen, Evans, Bell, and Hale.

On Commerce—Mr. Clay, chairman; Messrs. Benjamin, Bigler, Toombs, Reid, Allen, and Hamlin.

On the Judiciary—Mr. Bayard, chairman; Messrs. Toombs, Pugh, Benjamin, Green, Collamer, and Trumbull.

On the Post Office and Post Roads—Mr. Yule, chairman; Messrs. Bigler, Fitch, Elch, Thompson of New Jersey, Hale, and Dixon.

On Revolutionary Claims—Mr. Evans, chairman; Messrs. Bates, Crittenden, Wilson, and Durkee.

On Public Lands—Mr. Stuart, chairman; Messrs. Johnson of Arkansas, Pugh, Broderick, Johnson of Tennessee, Foster, and King.

On Claims—Mr. Iverson, chairman; Messrs. Mallory, Polk, Clark, and Simmons.

On Private Land Claims—Mr. Benjamin, chairman; Messrs. Biggs, Thompson of Kentucky, Kennedy, and Durkee.

For the Relief of Colombia—Mr. Brown, chairman; Messrs. Mason, Johnson of Tennessee, Bigler, Kennedy, Hamlin, and Chandler.

On Indian Affairs—Mr. Sebastian, chairman; Messrs. Brown, Reid, Fitch, Bell, Houston, and Doolittle.

On Patents and the Patent Office—Mr. Reid, chairman; Messrs. Evans, Yule, Simmons, and Trumbull.

On Finance—Mr. Hunter, chairman; Messrs. Thompson of New Jersey, Clay, Bates, Thompson of Kentucky, King, and Foister.

On Public Buildings and Grounds—Mr. Bright, chairman; Messrs. Davis, Douglas, Bayard, and Clark.

On Territories—Mr. Douglas, chairman; Messrs. Jones, Sebastian, Fitzpatrick, and Wade.

On Engraved Bills—Mr. Wright, chairman; Messrs. Bigler and Harlan.

To Audit and Control Contingent Expenses—Mr. Evans, chairman; Messrs. Wright and Dixon.

On Engraved Bills—Mr. Jones, chairman; Messrs. Brown and Doolittle.

On Printing—Mr. Johnson of Arkansas, chairman; Messrs. Fitzpatrick and Fessenden.

On the Library—Mr. Pearce, chairman; Messrs. Bayard and Hunter.

After the reading of the list,

Mr. HAMLEN gave the reasons why he could not vote for the list of committees as read. He regarded it as unjust, disproportionate, and sectional, and went on to specify the various committees to whose organization he especially objected.

Mr. DOOLITTLE also objected to the arrangement of the committees, referring especially to the wants of the great Northwest, and the importance of the commerce and navigation of that section of the country.

Mr. CHANDLER read an extract from the Globe, announcing that a caucus of all parties had agreed to a certain list of committees. He said that announcement was incorrect. He has information, Mr. Chandler said, that a caucus of all parties had agreed to a certain list of committees made out, leaving certain blanks to be filled by the republicans; and they saw fit to fill those blanks under protest. No such caucus was announced, was held, and no assent had ever been given by the republicans of the Senate to any such formation of committees as therein announced.

The year and days were ordered on the adoption of the resolution.

Mr. PUGH remarked that, inasmuch as the year and days had been ordered on the question, he felt bound to say a word. He should vote for the list because it had been agreed upon by a regular democratic caucus; but he concurred with those senators who expressed the opinion that the committees were not fairly formed. He had said so at the proper place and time, and felt bound to repeat it while placing his vote upon record in favor of the list.

Mr. STUART said that he had declined serving on the Committee on Commerce; as that committee had been assigned to be thought proper to make that statement.

Mr. BAYARD vindicated the propriety of the formation of the list. It was proper that the dominant party should always retain the ascendancy on all the important committees in their own hands.

Mr. OWEN referred to the manner in which the republicans had arranged the committees in the House of Representatives, when they had the power, as being in an eminent degree sectional and unjust. They could not now find fault with a good grace, for they had always exercised their power with an iron hand whenever they had the opportunity.

Mr. WILSON denied that at the last Congress the republicans had been unjust to the democrats in the formation of the House committees.

The question being taken, the list of committees was agreed to—yeas 30, nays 19—as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Biggs, Bigler, Bright, Broderick, Brown, Gwin, Hunter, Iverson, Evans, Fitch, Fitzpatrick, Jones, Green, Wilson, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Kennedy, Mason, Polk, Pugh, Reid, Sebastian, Sill, Thompson of New Jersey, and Wright—30.

NAYS—Messrs. Cameron, Chandler, Clark, Collamer, Doolittle, Durkee, Fessenden, Foot, Hale, Harlan, Harlan, King, Seward, Simmons, Sumner, Trumbull, Wade, and Wilson—19.

KANSAS AFFAIRS.

The Senate then resumed the consideration of the President's annual message.

Mr. GREEN replied, in a speech of great ability, to the remarks of Judge Douglas some days since on the propriety of the admission of Kansas under the Lecompton constitution. The speaker, he remarked, completely took him by surprise, not only as to the matter, but its manner. It was not his purpose to inquire into the motives that dictated it; and while he was willing to concede that those motives might be patriotic, he regarded the speech as a very improper one. He thought it was calculated to prejudice the question now pending before the people of Kansas; and he therefore felt it his duty to reply to it, in justice to his own State, which was deeply interested in the subject, in order to counteract, so far as it might be in his power, the impression which had been made by that speech. The real issue now is, ought Kansas, when her constitution shall be presented, to be admitted into the Union, or ought the consideration of what the senator from Illinois calls a fundamental error of the President of the United States to be regarded as a sufficient cause for keeping Kansas out of the Union, and keeping up the agitation of this most unfortunate question? The question was, not whether we approved or did not approve of all the individual parts of the Lecompton constitution, or the provisions in reference to banks, taxation, &c.; those are matters with which we have nothing to do, but which are to be left to the people themselves to regulate. The only question for Congress to consider is, does the constitution embody a republican form of government? Has anybody ever disputed that proposition, and contended that it was not a republican? He believed not; certainly the senator from Illinois had not done so.

Mr. G. went on to remark that there seemed to be a want of a clear understanding as to the relation which the federal government sustains towards a Territory. A Territory, when it is organized, constitutes a "people." Individuals may live on lands belonging to the United States, and still not be a people in the technical sense of the word; but, whenever a Territory is organized into a political community, then they constitute a "people." The inhabitants of Kansas are, therefore, a

people; and what enabling act is required to impart to them the power to place a claim before Congress? Is an enabling act to give them more political rights, or more inalienable rights? That would be a solecism and a contradiction. From those considerations he argued that Congress would have no right to refuse to admit Kansas under the Lecompton constitution. He then took up the celebrated Arkansas case, and replied to the argument of Mr. Douglas founded thereon. He maintained that the people of Kansas never proposed to form a State government without the consent of Congress. The convention was held in subordination to the territorial government; it admitted into the Union, the State government was taken the place of the territorial government, and not without. If any attempt were to be made to subvert the present government, and set up another government in opposition to the federal authority, we could subjugate it. But they do not propose to interfere with the territorial government until the assent of Congress is received. This harmonious sentiment, General Butler, upon which Judge Douglas had relied, there were eight States in the Union which formed constitutions without an enabling act, for the admission of two of which the senator from Illinois himself voted. California and Florida had no enabling act. If the constitution of that Territory, also, the constitution and schedule to which reference is made in the President's annual message, the assent of Congress may be given at any time.

The organic act declares that the people of Kansas shall be perfectly free to form and regulate their domestic institutions in their own way. That was, we are to leave it to the action of a convention; and the convention was under no obligation to submit the constitution, or any part of it, to a popular vote. They chose to submit the slavery question, which was the great bone of contention, as a matter of policy and prudence, and not from any legal compulsion whatever. That was, we are to leave it to the action of a convention; and the convention was under no obligation to submit the constitution, or any part of it, to a popular vote. They chose to submit the slavery question, which was the great bone of contention, as a matter of policy and prudence, and not from any legal compulsion whatever. That was, we are to leave it to the action of a convention; and the convention was under no obligation to submit the constitution, or any part of it, to a popular vote. They chose to submit the slavery question, which was the great bone of contention, as a matter of policy and prudence, and not from any legal compulsion whatever.

Mr. G. concluded his very able and logical speech by urging the importance of deciding this question speedily, so as to put an end to the present confusion, which had long embittered the feelings of the different sections of the Union. He thought the constitution met the approval of a majority of the people of Kansas; and if any of its provisions were obnoxious to them, they would have the power of modifying or changing them at any time.

DOUGLAS expressed his gratification at the tone and spirit in which the senator from Missouri had discussed this question; but as that senator seemed to have misapprehended his position as laid down in the speech delivered the other day, he would make a brief statement on one or two points in order that the Senate and the country might see what his position really was. First, he did not regard it as a fatal objection that there was no enabling act in advance; and, second, he did not take the position that it was a fatal objection that the constitution was not submitted to the people before it was sent to Congress for acceptance. The position that he did assume was, that the constitution was not submitted to the people, but it was submitted to the people by an enabling act, but if the territorial legislature proceeds to call a convention without having the consent of Congress to do so, that is irregular, but not so irregular that it necessarily follows that all the proceedings are vitiated. A convention or any other body of men may send a petition to Congress for a change of territory, and Congress may grant or refuse it, but it is not a good thing done by an enabling act, but if the territorial legislature proceeds to call a convention without having the consent of Congress to do so, that is irregular, but not so irregular that it necessarily follows that all the proceedings are vitiated.

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Mr. D. then urged that the schedule said that the constitution should be submitted to all the people of Kansas for approval or disapproval. No constitution could be considered as republican which did not embody the will of the people who are to be governed by it, and was not formed by their action. The next question was, what is the best mode of ascertaining that will? He agreed with the President that the best mode was to refer it to the people for their acceptance or rejection by a fair vote. He could not admit that a constitution forced upon the people against their will was a republican constitution. It was no use to say that it was a good one, and that it was the best mode of ascertaining that will. He agreed with the President that the best mode was to refer it to the people for their acceptance or rejection by a fair vote. He could not admit that a constitution forced upon the people against their will was a republican constitution. It was no use to say that it was a good one, and that it was the best mode of ascertaining that will.

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been agreed to, and the question being on agreeing to the original motion as amended.

The bill was referred to the Committee on Public Lands.

The SPEAKER laid before the body the accounts of the Treasury of the United States for the third and fourth quarters of the year 1856, and the first and second quarters of the year 1857; which was laid on the table and ordered to be printed.

Also, a report from the First Comptroller of the Treasury, showing the balances due for more than three years prior to the first of July last on the books of the Second, Third, and Fourth Auditors of the Treasury and the Register, which was laid on the table and ordered to be printed.

Also, a communication from the clergymen of Washington, in answer to the resolution of the House inviting them to officiate as chaplains of Congress, respectfully tendering their services, and asking that they be appointed.

Mr. QUITMAN, of Mississippi, by unanimous consent, presented the petition and memorial of Mr. Chapman, of Nebraska, contesting the seat of Mr. FENIMORE, the sitting delegate from that Territory; which were laid on the table and ordered to be printed.

Mr. CLEMENS, of Virginia, submitted the following resolution, which he asked the operation of the previous question, was adopted:

Resolved, That the Clerk of this House, immediately after the passage of this resolution, place in a box the name of each member and delegate of the House of Representatives, written on a separate slip of paper; that the Clerk proceed, in the presence of the House, to draw from said box, one at a time, the said slips of paper, and as each is drawn he shall announce the name of the member or delegate upon whom he shall choose his seat for the present session: *Provided*, That before said drawing shall commence the Speaker shall cause every seat to be vacated, and shall see that every seat continue vacant until it is selected under this order.

Accordingly, the seats of the members were vacated, and each member selected his seat for the session as his name was called from the Clerk's desk.

Mr. CAMPBELL, of Ohio, by unanimous consent, submitted the following joint resolution, which was unanimously adopted:

Resolved by the Senate and House of Representatives of the United States, That the clergymen of the city of Washington who may officiate as chaplains to the Senate and House of Representatives shall be admitted to the Library of Congress with the same privileges that are allowed to the members of the House.

REPORTS FROM THE COMMITTEES OF WAYS AND MEANS.

The committee were called for reports.

Mr. JONES, of Pennsylvania, from the Committee of Ways and Means, reported that his committee had reported for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1859; which was referred to the Committee of the Whole and ordered to be printed.

On motion of Mr. J., the estimates of the annual report of the Secretary of the Treasury Department were taken from the Speaker's table and referred to the Committee of Ways and Means.

Mr. STEWART, of Maryland, presented the memorial of Mr. Brooks, contesting the seat of Mr. DAVIS, the sitting member from the third congressional district of Maryland; which was referred to the Committee of Elections and ordered to be printed.

Mr. BOWEN, of Maryland, presented the petition of William Pinkney White to vacate the seat of J. M. HARRIS, the sitting member from the second congressional district of Maryland; which was referred to the Committee of Elections and ordered to be printed.

REPORT FROM THE COMMITTEE ON PRINTING.

Mr. SMITH, of Tennessee, from the Committee on Printing, to which the report of the President's message and accompanying documents, submitted a report with the following resolution:

Resolved, That there be printed for the use of the members of the House of Representatives 20,000 extra copies of the President's annual message and accompanying documents.

The question being on the adoption of the resolution, Mr. COX, of Ohio, said that he did not wish to detain the House, but he had something connected with the President's message which he would like to say then and there. He reviewed that document at length, approving of its general character, but he had some objections to a portion of it which relates to Kansas. In his judgment, there would be no peace in Kansas if it should be admitted as a State with the Lecompton constitution. There could be nothing gained by trying to beat down the right of self-government in Kansas; but whether there would be peace or not, he would not sacrifice the principle involved therein for any peace. He was not unfriendly to the administration, and he did not believe that a difference of opinion on this question was opposed to party feeling. He might be allowed to represent his people. The pledges which he had given to his constituents constrained him to do so. He would not sacrifice the principle involved therein for any peace. He was not unfriendly to the administration, and he did not believe that a difference of opinion on this question was opposed to party feeling.

Mr. HUGHES, of Indiana, in reply, remarked that he did not propose to follow the gentleman from Ohio, and enter into an extended discussion of the message of the President. He rose to express his surprise and regret that the gentleman had chosen this occasion to precipitate upon the House a discussion of the Kansas question. There were those who conceived that the administration was in trouble; that the democratic policy was the cause of the trouble; and he would humbly submit that in that state of things the friends of that administration and the members of that party should not be the first to sound the alarm. There was something in the time and circumstances affecting a speech that he could not quite as much into the question of whether it was a good speech or a bad one, as he could into the question of whether it was a democratic policy or a republican policy. He would humbly submit that in that state of things the friends of that administration and the members of that party should not be the first to sound the alarm.

The question before the House was a motion to print 20,000 extra copies of the President's message for the information of the people. That message contained some of the most important facts of the Kansas question. There was no question before the House as to what should be done with Kansas—whether it should be admitted into the Union as a free State or a slave State. If that question was to come it would come in the future. If the Lecompton constitution was to come before the House, it would come before the House. The question before the House was a motion to print 20,000 extra copies of the President's message for the information of the people.